

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 24-22: STREETS AND ROADS

SUMMARY

The Office of Legislative Oversight (OLO) finds the racial equity and social justice (RESJ) impact of Bill 24-22 is indeterminant due to insufficient information on whether Black, Indigenous, and other people of color (BIPOC) residents will be the primary beneficiaries of roadway projects developed with complete streets standards.

PURPOSE OF RESJ IMPACT STATEMENT

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 24-22

In February 2021, the Montgomery County Planning Department published the Complete Streets Design Guide, providing “policy and design guidance on the planning, design, and operation of county roadways.”³ The guide was developed to be used in the following situations:

- When designing future streets or reconstructed streets in an area experiencing redevelopment;
- When implementing a capital improvement project, such as the construction or reconstruction of a street; intersection, or bridge; and
- When resurfacing a street or conducting major work in the street, which may create an opportunity to reconsider some aspects of the street’s design.

The guide aligns the County’s approach to designing roads to the “Complete Streets” concept, where roadways are “designed and operated to provide safe, accessible, and healthy travel for all users of the roadway system, including pedestrians, bicyclists, transit riders, and motorists.”⁴ According to the Planning Department, the following principles were prioritized in developing the guide:

- Safety – maximize safety for all (pedestrians, bicyclists, and motor vehicles);
- Sustainability – enhance ecological functions and economic appeal of a streetscape; and
- Vitality – create streets that are great, dynamic places.

The Complete Streets Design Guide was also developed to support the County’s Vision Zero goal of eliminating serious and fatal collisions on County roads for vehicle occupants, pedestrians, and bicyclists by the end of 2030.⁵

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The goal of Bill 24-22 is to revise Chapter 49, Streets and Roads, of the County Code to implement the Complete Streets Design Guide, applying complete streets standards to the design and construction of roads and road improvements.⁶ The Bill was introduced along with Zoning Text Amendment (ZTA) 22-10 and Subdivision Regulation Amendment (SRA) 22-01 to also revise Chapter 59 (Zoning Ordinance) and Chapter 50 (Subdivision of Land) of the County Code for implementing the Complete Streets Design Guide.

At the request of the County Executive, Bill 24-22 was introduced to the Council on July 26, 2022.

In November 2021, OLO published a RESJ impact statement (RESJIS) for Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration.⁷ OLO builds on Bill 36-21’s analysis for this RESJIS.

TRANSPORTATION INFRASTRUCTURE AND RACIAL EQUITY

The complete streets concept has been highlighted as a promising model for communities to improve health, safety, and economic opportunities for all residents.⁸ However, research and practice suggest that an intentional focus on racial equity is needed for complete streets policies to effectively address entrenched inequities in transportation infrastructure, which contribute to segregation, concentrated poverty, and other diminished quality of life outcomes for BIPOC.^{9,10} For context, this section describes the historical drivers of racial inequities in transportation infrastructure and available data on racial disparities in traffic injuries that could be impacted by Bill 24-22.

Inequities in Transportation Infrastructure. A history of inequitable policies and practices have shaped today’s transportation landscape. The Federal-Aid Highway Act of 1956, which created the interstate highway system, was one of the most consequential transportation policies for accelerating racial inequities in various domains. As described by Deborah Archer, professor at New York University School of Law:

“Class and racial inequality, economic deprivation and depression, and residential isolation and segregation are all a part of the legacy of highway politics that focus on growth and expansion at the expense of Black communities: by building roads to (W)hites-only suburbs through the heart of Black neighborhoods. While the highways connected (W)hite people living in suburbia with economic opportunities in the city, Black residents were excluded from (W)hite neighborhoods and forced to find new housing in communities already intensely segregated by race and class, further taxing inadequate housing, employment opportunities, and public services.”¹¹

Highway construction and urban renewal efforts through the 1970s destroyed and displaced many Black neighborhoods, increasing isolation, crowding, and clustering of BIPOC communities.¹² The U.S. Department of Transportation estimated in the 20 years after the passage of the Federal-Aid Highway Act, more than 475,000 households were displaced, mostly in low-income and BIPOC communities.¹³ In 2022, two students from Eastern Middle School in Silver Spring won the C-SPAN StudentCam documentary competition for their film on Gibson Grove, a once thriving Black community in the County that was divided by the construction of I-495 in the 1950s.¹⁴ Of note, more recent plans to include portions of the Gibson Grove Cemetery in the I-495 expansion path were discontinued after community resistance.¹⁵

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Since the early 2000s, the gentrification and influx of high-income residents into city centers has pushed many low-income residents into car-dependent suburbs.¹⁶ Today, in a transportation system dominated by cars, limited access to vehicles and dependence on unreliable and underinvested public transit often makes it more difficult for BIPOC residents to access jobs, education, healthy food options, and more.¹⁷ Residential patterns defined by structural racism persist today, with the racial wealth gap allowing more housing and transportation choices for White residents and meanwhile limit choices for BIPOC residents.¹⁸ The spatial mismatch for low-wage workers is most prevalent in the suburbs, where a lack of public transit often hinders their ability to commute efficiently.¹⁹

Disparities in Traffic Injuries. Historically inequitable policies and practices in transportation infrastructure have fostered disparities in traffic-related injuries by race and ethnicity. Researchers note that unsafe street infrastructure conducive to traffic accidents – such as inadequate sidewalks and crosswalks, and major arterial roads that prioritize speed and car volume over pedestrian safety – often characterize low-income communities.²⁰ Racial and ethnic differences in the social determinants of health have also been cited as drivers of racial disparities in traffic-related injuries.²¹ National data on traffic injury shows that:

- Black and Indigenous Americans have the highest rates of traffic deaths at 68.5 and 145.6 per 100,000, followed by White (55.2 per 100,000), Latinx (46.9 per 100,000) and Asian (15.3 per 100,000) persons.²²
- Black cyclists have per mile fatality rates four times higher than White cyclists, and Latinx cyclists have per mile fatality rates 70 percent higher than White cyclists.²³
- For motorcycle crashes, Black victims were 1.5 times more likely to die from their injuries than similarly injured White victims, even though they were 30 percent more likely to have been wearing helmets.²⁴
- Black and Indigenous Americans have pedestrian deaths two to three times higher than White Americans. Further, the lower the income of the census tract, the more likely a person is to be struck and killed while walking there.²⁵

Available local data also demonstrates disparities in traffic injuries by race and ethnicity:

- Between 2011 and 2015, Latinx pedestrians were the most likely to be killed in a traffic incident (2.9 per 100,000) followed by Black pedestrians (1.6 per 100,000) and White pedestrians (0.9 per 100,000).²⁶
- Between 2011 and 2015, Black residents were the most likely to be killed among vehicle occupants (4.3 per 100,000) followed by White residents (3.4 per 100,000) and Latinx residents (3.2 per 100,000).²⁷
- Local communities in Montgomery County with higher rates of poverty, persons of color, and younger residents have higher collision rates compared to the rest of the County.²⁸

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 24-22 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

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For the first question, OLO considered cumulative funding for road-related transportation projects (bridges, pedestrian facilities/bikeways, roads, traffic improvements) in the FY23 Capital Improvements Program (CIP) budget to understand which communities could benefit most from roadway projects developed with complete streets standards.

Table 1 summarizes the distribution of costs for road-related projects across Council districts, and Table 2 summarizes resident demographics by Council district. The 'District' categories in Table 1 include costs for projects that are identified by district in the CIP, such as the Goldsboro Road Sidewalk and Bikeway project in District 1; the Watkins Mill Road Extended project in District 3; and the Silver Spring Green Trail project in District 5. The 'Countywide' category in Table 1 includes projects where the district is identified as Countywide in the CIP and could affect one or more districts. A full listing of projects included under each category is available in Table 3 in the Appendix.

Table 1: Total Cost of FY23 CIP Road-Related Projects by Council District

District	Total Cost (in thousands)	Total Cost (%)
Countywide	\$870,601	41.3
District 1	\$427,976	20.3
District 2	\$380,724	18.1
District 3	\$62,128	2.9
District 4	\$130,534	6.2
District 5	\$235,241	11.2

Source: Montgomery County Office of Management and Budget via Open Budget.

Table 2: Resident Demographics by Council District²⁹

District	% White	% Black	% Latinx	% Asian
Countywide	45.9	17.3	18.6	14.5
District 1	71.5	4.8	8.5	12.0
District 2	40.1	19.0	19.2	18.2
District 3	45.8	12.2	18.8	19.5
District 4	38.6	18.5	26.4	12.7
District 5	33.2	32.4	20.2	10.2

Source: 2016 Demographic Profile of Council Districts.

Table 1 demonstrates where a specific district is identified, District 1 has the largest allocation for road-related projects. District 1, where 71.5 percent of residents are White, received nearly two times the funding of District 5 and three times the funding of District 4, where the majority of residents are BIPOC. Of note, District 3 has the lowest allocation, possibly because more projects within this district are funded through the incorporated localities of Rockville and Gaithersburg.

Funding for the FY23 CIP suggests White residents are disproportionate beneficiaries of road-related transportation projects and could thus be the primary beneficiaries of future roadway projects developed with complete streets standards. However, 41.3 percent of funding for road-related projects, or \$870.6 million, is not identifiable by Council district. Therefore, OLO cannot definitively conclude whether there are racial or ethnic disparities among the primary beneficiaries of this Bill.

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For the second question, OLO considered the effect this Bill could have on reducing transportation inequities in the County. If the adoption of complete streets standards works as intended, BIPOC residents could benefit from safer designed streets, since they are more likely to suffer from traffic-related injuries than White residents. However, as previously implied, it is unclear whether BIPOC residents and communities will be the primary beneficiaries of roadway projects developed with complete streets standards. Further, it is unclear the extent to which complete streets could generally encourage redevelopment, which often tends to favor higher-income residents, White residents, and White-owned businesses, and has the potential to displace low-income and BIPOC residents.

Taken together, OLO finds the RESJ impact of this Bill is indeterminant.

Of note, OLO assumed the primary beneficiaries of roadway projects are the residents of the districts where the projects are occurring. A more comprehensive equity analysis would consider each individual project and whether they benefit residents within a larger or smaller radius, providing a more precise understanding of affected residents and RESJ impact. See 'Recommended Amendments' for more information on equity reviews for Capital Improvement Programs.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.³⁰ OLO finds the racial equity the RESJ impact of Bill 24-22 is indeterminant due to insufficient information on whether BIPOC residents will be the primary beneficiaries of roadway projects developed with complete streets standards. OLO does not offer recommended amendments since the Bill was not found to be inequitable.

While OLO cannot conclude BIPOC residents will not be the primary beneficiaries of Bill 24-22, funding for the FY23 CIP suggests that, where the specific Council district of a project is identified, White residents are disproportionate beneficiaries of road-related transportation projects and could thus be the primary beneficiaries of future roadway projects developed with complete streets standards. To have a more accurate understanding of the RESJ impact of adopting the complete streets framework, the Council could consider commissioning a comprehensive equity review of the CIP, as recently recommended for Expedited Bills 15-22, 16-22, and 19-22.³¹

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement with assistance from Elaine Bonner-Tompkins, OLO Senior Legislative Analyst.

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APPENDIX

Table 3: Listing of Road-Related Transportation Projects in the FY23 Capital Improvements Program

Detailed descriptions for each project can be accessed from the [Transportation](#) page in the Open Budget website.

	(total cost in thousands)				
	Bridges	Pedestrian Facilities/Bikeways	Roads	Traffic Improvements	Grand Total
Countywide	\$117,469	\$241,665	\$183,831	\$327,636	\$870,601
ADA Compliance: Transportation		\$15,312			\$15,312
Advance Reforestation			\$1,109		\$1,109
Advanced Transportation Management System				\$68,231	\$68,231
Bicycle-Pedestrian Priority Area Improvements		\$18,945			\$18,945
Bikeway Program Minor Projects		\$23,241			\$23,241
Bridge Design	\$34,018				\$34,018
Bridge Preservation Program	\$13,963				\$13,963
Bridge Renovation	\$69,488				\$69,488
Capital Crescent Trail		\$116,097			\$116,097
Cherry Hill Road Bike Facility		\$4,000			\$4,000
Dedicated but Unmaintained County Roads			\$769		\$769
Facility Planning - Pedestrian Facilities and Bikeways		\$13,290			\$13,290
Facility Planning-Roads			\$66,557		\$66,557
Guardrail Projects				\$4,443	\$4,443
Highway Noise Abatement			\$2,915		\$2,915
Intersection and Spot Improvements				\$29,276	\$29,276
MCG Reconciliation PDF			\$0		\$0
Neighborhood Traffic Calming				\$4,491	\$4,491
Norwood Road Shared Use Path		\$4,000			\$4,000
Pedestrian Safety Program				\$55,582	\$55,582
Public Facilities Roads			\$2,171		\$2,171
Sidewalk Program Minor Projects		\$43,592			\$43,592
State Transportation Participation			\$84,450		\$84,450
Streetlight Enhancements-CBD/Town Center				\$5,930	\$5,930
Streetlighting				\$32,772	\$32,772
Subdivision Roads Participation			\$24,360		\$24,360
Traffic Signal System Modernization				\$51,118	\$51,118
Traffic Signals				\$75,793	\$75,793

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Transportation Feasibility Studies			\$1,500		\$1,500
Transportation Improvements For Schools		\$3,188			\$3,188
District 1	\$23,089	\$223,592	\$179,200	\$2,095	\$427,976
Beach Drive Bridge	\$4,202				\$4,202
Bethesda Bikeway and Pedestrian Facilities		\$12,448			\$12,448
Bethesda Transportation Infrastructure Development				\$200	\$200
Bradley Boulevard (MD 191) Improvements		\$16,465			\$16,465
Elmhirst Parkway Bridge (Bridge No. M-0353)	\$2,141				\$2,141
Garrett Park Road Bridge M-0352	\$8,406				\$8,406
Glen Road Bridge	\$4,585				\$4,585
Goldsboro Road Sidewalk and Bikeway		\$21,096			\$21,096
MacArthur Blvd Bikeway Improvements		\$21,208			\$21,208
MD 355 Crossing (BRAC)		\$108,980			\$108,980
Piney Meetinghouse Road Bridge	\$3,755				\$3,755
Platt Ridge Drive Extended			\$4,301		\$4,301
Seven Locks Bikeway and Safety Improvements		\$26,760			\$26,760
Tuckerman Lane Sidewalk		\$16,635			\$16,635
White Flint District East: Transportation			\$29,690		\$29,690
White Flint District West: Transportation			\$71,095		\$71,095
White Flint Traffic Analysis and Mitigation				\$1,895	\$1,895
White Flint West Workaround			\$74,114		\$74,114
District 2	\$42,731	\$26,377	\$311,616		\$380,724
Brink Road Bridge M-0064	\$5,551				\$5,551
Clarksburg Transportation Connections			\$10,600		\$10,600
Davis Mill Road Emergency Stabilization			\$2,340		\$2,340
Dorsey Mill Road Bridge	\$34,020				\$34,020
Frederick Road Bike Path		\$7,402			\$7,402
Goshen Road South			\$168,036		\$168,036
MD355-Clarksburg Shared Use Path		\$6,464			\$6,464
Mouth of Monocacy Road Bridge	\$3,160				\$3,160
Oak Drive/MD 27 Sidewalk		\$12,511			\$12,511

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Observation Drive Extended			\$115,593		\$115,593
Snouffer School Road North (Webb Tract)			\$15,047		\$15,047
District 3		\$45,777	\$16,351		\$62,128
County Service Park Infrastructure Improvements			\$1,489		\$1,489
East Gude Drive Roadway Improvements			\$6,027		\$6,027
Falls Road Bikeway and Pedestrian Facility		\$27,111			\$27,111
Life Sciences Center Loop Trail		\$12,901			\$12,901
Maryland/Dawson Extended			\$2,760		\$2,760
Needwood Road Bikepath		\$5,765			\$5,765
Watkins Mill Road Extended			\$6,075		\$6,075
District 4	\$16,567	\$45,868	\$68,099		\$130,534
Bicycle-Pedestrian Priority Area Improvements - Veirs Mill/Randolph		\$14,967			\$14,967
Bicycle-Pedestrian Priority Area Improvements - Wheaton CBD		\$9,995			\$9,995
Bowie Mill Road Bikeway		\$20,706			\$20,706
Brighton Dam Road Bridge No. M-0229	\$2,250				\$2,250
Dennis Ave Bridge M-0194 Replacement	\$7,850				\$7,850
Gold Mine Road Bridge M-0096	\$6,467				\$6,467
Montrose Parkway East			\$12,060		\$12,060
North High Street Extended			\$2,169		\$2,169
Sandy Spring Bikeway		\$200			\$200
Snouffer School Road			\$26,760		\$26,760
Summit Avenue Extension			\$27,110		\$27,110
District 5	\$4,850	\$112,102	\$16,739	\$101,550	\$235,241
Bicycle-Pedestrian Priority Area Improvements - Purple Line		\$12,617			\$12,617
Burtonsville Access Road			\$9,481		\$9,481
Dale Drive Shared Use Path and Safety Improvements		\$10,215			\$10,215
Fenton Street Cycletrack		\$11,561			\$11,561
Forest Glen Passageway		\$40,552			\$40,552
Franklin Avenue Sidewalk		\$3,300			\$3,300
Good Hope Road Shared Use Path		\$5,720			\$5,720
Metropolitan Branch Trail		\$20,662			\$20,662
Park Valley Road Bridge	\$4,850				\$4,850

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Seminary Road Intersection Improvement			\$7,258		\$7,258
Silver Spring Green Trail		\$1,975			\$1,975
US 29 Pedestrian and Bicycle Improvements		\$5,500			\$5,500
White Oak Local Area Transportation Improvement Program				\$101,550	\$101,550
Grand Total	\$204,706	\$695,381	\$775,836	\$431,281	\$2,107,204

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.raciaequitytools.org/glossary>

² Ibid

³ “About Complete Streets,” Complete Streets Design Guide, Montgomery County Department of Planning, Last Updated July 29, 2022. <https://montgomeryplanning.org/planning/transportation/complete-streets/>

⁴ Ibid

⁵ “Montgomery County’s Goal to End Traffic Deaths,” Vision Zero, Montgomery County, MD, Accessed August 15, 2022. <https://www.montgomerycountymd.gov/visionzero/index.html>

⁶ Bill 24-22, Streets and Roads, Montgomery County Council, Montgomery County, Maryland, Introduced July 26, 2022. https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2764_1_22382_Bill_24-2022_Introduction_20220726.pdf

⁷ Racial Equity and Social Justice Impact Statement for Bill 36-21, Office of Legislative Oversight, Montgomery County, Maryland, November 9, 2021. <https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill36-21.pdf>

⁸ “Using Complete Streets to Increase Equity,” Blog, ChangeLabSolutions, April 24, 2019. <https://www.changelabsolutions.org/blog/complete-streets>

⁹ Ibid

¹⁰ Maia Ingram, et. al., “Health Disparities, Transportation Equity and Complete Streets: a Case Study of a Policy Development Process through the Lens of Critical Race Theory,” Journal of Urban Health, December 2020. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7704855/>

¹¹ Deborah N. Archer, “‘White Men’s Roads Through Black Men’s Homes’: Advancing Racial Equity Through Highway Reconstruction,” Vanderbilt Law Review, October 2020. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3539889

¹² “The Unequal Commute,” Urban Institute, October 6, 2020. <https://www.urban.org/features/unequal-commute>

¹³ “A Legacy of Disenfranchisement and Underinvestment,” from Beyond Traffic 2045 (PDF page 102), U.S. Department of Transportation, January 9, 2017. <https://www.transportation.gov/policy-initiatives/beyond-traffic-2045-final-report>

¹⁴ “Grand Prize Winner – What Happened to Gibson Grove?,” C-SPAN StudentCam, March 2022. <http://www.studentcam.org/2022/GrandPrize-EasternMiddleSchool0421.htm>

¹⁵ Ibid

¹⁶ The Unequal Commute”

¹⁷ Regan Patterson, “New Routes to Equity: The Future of Transportation in the Black Community,” Congressional Black Caucus Foundation, September 2020. <https://www.cbccfinc.org/publications/transportation/new-routes-to-equity-the-future-of-transportation-in-the-black-community/>

¹⁸ The Unequal Commute”

¹⁹ Ibid

²⁰ “Dangerous by Design 2022,” Smart Growth America and National Complete Streets Coalition, July 2022. <https://smartgrowthamerica.org/dangerous-by-design/>

²¹ “Black Motorcyclists- Even in Helmets- More Likely to Die in Crashes,” News and Publications, John Hopkins Medicine, September 23, 2010. https://www.hopkinsmedicine.org/news/media/releases/black_motorcyclists_even_in_helmets_more_likely_to_die_in_crashes

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²² “An Analysis of Traffic Fatalities by Race and Ethnicity,” Governors Highway Safety Association, June 2021.

<https://www.ghsa.org/resources/Analysis-of-Traffic-Fatalities-by-Race-and-Ethnicity21>

²³ Kea Wilson, “Study: Black Cyclists Die 4.5x More Often than White Cyclists,” StreetsBlogUSA, June 14, 2022.

<https://usa.streetsblog.org/2022/06/14/study-black-cyclists-die-4-5x-more-often-than-white-riders/>

²⁴ “Black Motorcyclists- Even in Helmets- More Likely to Die in Crashes”

²⁵ “Dangerous by Design 2022”

²⁶ “Equity and Crashes,” Montgomery County Vision Zero Data Explorer, Montgomery County, Maryland, November 2017.

<https://mctgov-gis.maps.arcgis.com/apps/MapJournal/index.html?appid=60410e6f22844d2cbbe619505cb6e7bb>

²⁷ Ibid

²⁸ “Equity Framework,” Montgomery County Vision Zero, Montgomery County Department of Transportation, December 2019.

<https://www.montgomerycountymd.gov/visionzero/Resources/Files/Equity%20Task%20Force%20Framework%20FINAL.pdf>

²⁹ Latinx people are not included in other racial groups within this table.

³⁰ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

³¹ Racial Equity and Social Justice Impact Statement for Expedited Bill 19-22, Office of Legislative Oversight, Montgomery County, Maryland, June 29, 2022. <https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2022/BillE19-22.pdf>